

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC,

Plaintiff,

vs.

AMAZON.COM, INC., ET AL.

Defendants.

Case No. 6:10-CV-329-LED

JURY TRIAL DEMANDED

**DEFENDANT NEWEGG, INC.'S AND DEFENDANT NEWEGG.COM,
INC.'S NOTICE OF JOINDER IN DEFENDANT DELL INC.'S REPLY IN
SUPPORT OF ITS CORRECTED MOTION TO DISMISS PLAINTIFF'S
ALLEGATIONS OF INDIRECT INFRINGEMENT AND WILLFUL
INFRINGEMENT FOR FAILURE TO STATE A CLAIM**

Defendants Newegg, Inc. and Newegg.com, Inc. (collectively, "Newegg") hereby join Defendant Dell Inc.'s Reply in Support of its Corrected Motion to Dismiss Plaintiff's Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Document 273) and the arguments and authorities found therein. Newegg has previously joined Dell's Corrected Motion to Dismiss Plaintiff's Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Document 175 (Newegg's Notice of Joinder); Document 164 (Dell's Corrected Motion to Dismiss)).

AdjustaCam LLC's ("AdjustaCam") allegations of indirect infringement against Newegg are the same as those it has asserted against Dell Inc. ("Dell"), and are deficient for the reasons set forth in Dell's Reply. (Compare First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 92 (Dell), 148 (Newegg).) In addition, AdjustaCam's allegations of willfulness against Newegg are the same as those it has asserted against Dell, and are deficient

for the reasons set forth in Dell's Reply. (See First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 224-25.) Because AdjustaCam has not adequately pled the required facts to support an allegation that Newegg indirectly or willfully infringed the patent-in-suit, its indirect infringement and willful infringement claims against Newegg should be dismissed.

October 7, 2010

Respectfully submitted,

By: /s/ Justin N. Stewart
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 7th day of October, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Justin N. Stewart
Justin N. Stewart